A Dublin City Common Council.

A

PROTEST

Of Certain of

The COMMONS,

IN THE

Common-Council of DUBLIN,

WITH

REMARKS and INSTRUCTIONS

By way of

DEDICATION to the COURTEOUS READER.

——*Adjuncta est appetitio quædam principatus ut nemini parere animus bene a natura informatus velit, nisi præcipienti et docenti, aut Utilitatis Causa, justè et legitimè imperanti: ex quo animi magnitudo existit, humanarumq; rerum Contemption.*

Cic. de Offic. lib. i.

Printed in the YEAR 1742.

COURTEOUS READER,

YOU muſt, no doubt, have heard, of the late Diſputes between the ALDERMEN and COMMONS, of th eCity of DUBLIN.

Some of us COMMONS (for I own I am one) think we have made our ſelves of ſo great Importance by them, that we cannot help telling it to every Body that will hear it.

The ALDERMEN affect to laugh at us, or they really are afraid of us, and from one or both of theſe Motives will be inclined to ſpeak.

And COURTEOUS READER, You are a very inconſiderable Perſon, if you have no Acquaintance with either ALDERMAN or COMMONER.

But though you may have heard, that we have had Diſputes, You may not perhaps have heard the Occaſion of them.

And ſo I will tell you———

It is a Contention for POWER.

THIS is the Accuſation of the ALDERMEN and the Confeſſion of the COMMONS,

The ALDERMEN have, we think, uſurped ſome Power that belongs to us,

And

And we want to have it again,
And they will not part with it;

Becauſe they have ſhewn ſo much Virtue in the Exerciſe of their Power, as never to have prefer'd their own *Relations* or *Friends*, from the Country, to Offices in the City, but have always diſpos'd of them to Citizens, and to Citizens of the moſt noted Merit, Capacity, and Fortune.

Becauſe in their Opinion, *twenty four* MEN of Senſe, (ſeven of which by the bye, make a Majority) are better able to govern, than a hundred and odd *Mechanicks* and *Tradeſmen*, which they themſelves have pick'd and cull'd out of the Returns made them by the Corporations.

And as they are properly the Electors, and the Commons their Creatures, they think it unnatural that the latter ſhould rebel.

And ſo they are determin'd (if they can) to keep the Power in their Hands for two Years longer, and then they'll take care to admit no Body in the COMMON COUNCIL that will offer to controul them.

Now hear what the COMMONS ſay.

They ſay, tho' it be true that the ALDERMEN have elected them from a double Return made by the *Corporations*, yet they humbly conceive, that the preſent COMMONS were elected by the Board upon a Suppoſition that the Perſons returned with them, were Men of more Danger to the Powers aſſum'd by the ALDER-

MEN

MEN, and of Conſequence more *Virtuous* than thoſe they elected.

So they do not look on this as an Obligation laid on them.

They ſay the *Commons* have by Right a Negative on the Election of *Aldermen*, and that if the *Aldermen* elect the *Commons*, the *Commons* ought to elect the *Aldermen*.

This would be as the Lawyers call it, *Quid pro quo*.

They imagine they are as capable of Governing as the *Board*, and tho' the *Commons* be not Men of as *ſhining Parts*, and *polite Education* as the *Board* of *Aldermen*, yet *in the Multitude of Counſellors there is Safety*.

And in the Book of Proverbs there are very excellent Maxims.

They ſay, that Power is better lodged in the Hands of the *Many*, than in thoſe of the *Few*, and they are glad to teſtify to the World, that they retain their true Principles of *Liberty*.

Who knows but this may frighten the *Pretender?*

I am ſure he could not conceive the leaſt Hopes of (what he calls) his *Reſtoration*, if he was perſuaded that every Corporation in *Great-Britain* and *Ireland* was as tenacious of thoſe Principles.

But take this with you.

I have been ſpeaking of the *Majority* of the *Commons*, which to your Comfort *Mr. Whig*,

and

and to your Grief *Mr. Tory*, has been in moſt of our Diviſions two to one.

And that is odds.

The *Minority* is ſuch as would be glad to leave us and ſit at the *Board*, or ſuch as would be glad to ſtay among us, and would do any Thing to engage the *Aldermen* to continue them the next *Election*.

Of ſuch whoſe Trade and Livelihood depends on the *Cuſtom* of their Superiors, and are afraid to loſe them; for, you muſt know *courteous Reader*, That moſt of us keep Shops, *&c.* and *Aldermen* have Wives and Daughters, and the *Aldermen*, their Wives and Daughters, eat and drink, wear Shoes and Stockings, and take Phyſick.——

And there are ſome very honeſt Men in this ſame *Minority* who act from none of theſe Principles, but are influenc'd by particular Friendſhips and Affinity to particular *Aldermen*; or, by I know not what Prejudice, or Love of Peace which they think preferable to any Advantage can be got by *Power*.

Now I have told you the *Actors*, you ſhall if you pleaſe have the *Comedy*.

I do not care a Pin tho' the Faction ſhould call it a *Farce*.

The *Commons* when they firſt met after their Election, had in View two Things.

Firſt, to aſſert their own *Rights*.

Secondly, to put the Buſineſs of the City under

der proper Regulations, and thereby endeavour to extricate it out of Debt.

They began with the laſt, becauſe the other would in Courſe follow.

And they did draw up ſome Regulations, to oblige the *Committee's* to do their Duties.

And this cauſed much Diſturbance.

The *Aldermen* would not receive the Petition of the Commons for thoſe Regulations, becauſe it was, they ſaid, contrary to *their Rules* to receive any Petitions that had paſſed the *Commons*, and eſpecially on the Day of the Aſſembly.

And ſo we broke up.

And the next Aſſembly Day they received our Petition.

And ſo we have recovered our Rights of propoſing Matters to them, which they till then had denied us, but would barely allow us a Negative on their Reſolutions.

And, forſoooth, us'd generally to be angry when we expected that Priviledge.

Our Petition was then received, and referred to a Committee.

And in this Committee there was much wrangling.

And the moſt uſeful of the Regulations was, rejected in the Committee.

And if you would know what that Regulation was,

I will tell you.

It was to enable the Committee to do Buſineſs in the Abſence of the *Lord Mayor* and *Sheriffs*.

And

And the Committee reported, that it was their Opinion, that the *Lord Mayor* and *Sheriffs* ought to be on Committees, and that the Committees ſhould have no Authority or Power but when the *Lord Mayor* and one of the *Sheriffs* were preſent.

And to the other Regulations the Committee conſented.

And the *Commons* would not make a Law that the *Lord Mayor* and one of the *Sheriffs* ſhould be always two, to make a Committee.

And the *Aldermen* would not paſs the Reſt of the Report of the Committee without that Clauſe.

And ſo the *Aſſembly* broke up in Warmth.

And in the next *Aſſembly* there was a Petition paſſed containing the principal Regulations deſired, and the Clauſe concerning the *Lord Mayor* and one of the *Sheriffs* was left out.

And we proceeded to do Buſineſs; the *Aldermen* triumph'd, and all was Peace.

But ſo it happen'd, that

A Motion was made, that an Account of the Arrears of Rent due to the City ſhould be laid before our Houſe.

And the Houſe did give Directions to the Receiver General to draw up ſuch Account.

And the *Aldermen* did forbid the Receiver General to give that Account to the Commons.

And thereupon they grew angry.

And we ordered the following Reſolution to be entered into our Journal.

Reſolved,

Reſolved, That any Directions of the Board of Aldermen to any Officers of the City of *Dublin* to refuſe Papers to this Houſe relating to the City Affairs, when required by this Houſe, is an Infringement of the Rights and Liberties of this Houſe, and an Obſtruction to the publick Buſineſs of the City.

Now you are to underſtand, *courteous Reader*, that we determine all Matters of Diſpute by Ballot.

The Reaſon is, that the Weak and Timorous among us, may vote according to their Conſciences, without fearing the Cenſure or Diſpleaſure of their Friends at the *Board*.

And that the *Board* ſhould not know *Who and who's together*.

And now to evade that, ſome of the Commons have got a *Proteſt* drawn up againſt the ſaid Reſolution.

And their *Agents* procure as many Subſcriptions to it as they can.

And by this new invented Method, they and the Board hope to diſtinguiſh thoſe who are on their Side, from thoſe who are on the Side of *Liberty*.

And now I will tell you a Story.

A Soldier was condemned in *Scotland* to do Penance in a Sheet at Church for ſimple Fornication.

And he was a modeſt Man, and loath to be diſtinguiſhed.

And his Brother Soldiers took Compaſſion

on him, and they all appeared in white Sheets in Church with him.

And it was impoſſible to diſtinguiſh the Guilty from the Innocent.

And if my worthy Friends of the Majority of the *Common Council* will take my Advice,

They will all of them ſign this Proteſt.

And the *Aldermen* will not know who are in Earneſt or who in Jeſt.

And they will be greatly diſappointed.

And now, *courteous Reader*, I will not detain you any longer from the Pleaſure of Reading this famous Proteſt.

To which I have join'd ſome Remarks by way of Annotations, for your better underſtanding it.

And for all my Trouble I only requeſt,

That you will not lend this Pamphlet to any Body who has wherewithal to purchaſe it.

And that you will not give your Opinion about it, if you think it not worth Reading.

Becauſe I would have as many Copies ſold off as poſſible.

That my Printer may not be diſcouraged to print a ſecond Part..

Which, I hope, will contain ſome Particulars worth your Knowledge, and perhaps the Names of the Proteſtors, if the Subſcription ſhould be ever compleated.

And in Hopes that you and I ſhall be better acquainted, I ſubſcribe,

Your Friend, and Humble Servant.

P.S. I will not tell you what Trade I follow, for fear Alderman———— ſhould ſmoke me.

A

PROTEST

Of Certain of

The COMMONS.

" WHEREAS at a Poſt Aſſembly held
" the 25th of *June* laſt, the Clerk
" of this Houſe was ordered to ſerve
" the Receiver General with an Order from
" this Houſe, to lay before them an Account
" of what Arrears of Rent were due to the
" City to the 25th of *March* 1742—and by
" whom.

" And whereas at *Midſummer* Aſſembly a
" Petition of Certain of the Commons, pray-
" ing for an Act of Aſſembly, that the Re-
" ceiver General might be ordered within a
" Week to prepare and bring into the Town
" Clerk's Office the Accounts abovementioned,
" for the Peruſal of the Members of both
" Houſes,

" Houſes, paſſed the Lord Mayor and Board " of Aldermen, and being ſent into this Houſe, " was rejected.

" And whereas a Meſſage was ſent to the " Receiver General to aſk for the Liſt of Ar- " rears required to be laid before this Houſe, " purſuant to their Order of the 25th of *June*, " and upon his returning for Anſwer, *That he* " *was always ready and willing to obey the Com-* " *mands of the Sheriffs and Commons in any* " *Thing*, But was adviſed by the Board of Al- " dermen, that it could not ſo properly come " in, but by the Conſent of both,

" The Houſe came to this Reſolution, *That* " *any Directions of the Board of Aldermen to* " *any Officers of the City of* Dublin, *to refuſe* " *Papers to this Houſe relating to the Affairs of* " *this City when required by this Houſe, is an* " *Infringement of the Rights and Liberties of* " *this Houſe, and an Obſtruction to the carrying* " *on the Publick Buſineſs of this City.*

" We the ſubſcribing Perſons, Members of " this Houſe, do enter this our Proteſt againſt " the whole Proceedings in the above recited " Affair, for the following Reaſons:

1ſt. " Becauſe the Receiver General is not " (as we apprehend) accountable to, or obli- " ged to obey either the Order of the Lord " Mayor and Aldermen, or the Sheriffs and " Commons ſeparately.

Remark

Remark 1ſt. The Receiver General was very willing to obey the Commands of the Sheriffs and Commons, until he was forbid to do ſo by the Board of Aldermen, extraordinarily aſſembled for that Purpoſe; and if he is not obliged to obey either Houſe ſeparately, how came he to obey the Aldermen in with-holding thoſe Papers?

2dly. "Becauſe the Board of Aldermen, "by ſending the above Petition for our Con-"currence, had (as far as in them lay) ſuffi-"ciently provided for the Liſt of Arrears be-"ing laid before us, in a Way which we con-"ceive to be more agreeable to the Conſtitu-"tion of the City.

Remark 2d. If the Commons had agreed to this Method, they would have given up their Right of calling for ſuch Papers and Informations as they may from Time to Time want, which Right they judge of more Importance than the Papers they called for——

3dly. "Becauſe we conceive the Reſolution "in which the Board of Aldermen are cen-"ſured as obſtructing publick Buſineſs, to be "unjuſt and injurious, which with much more "Force, might be urged by them againſt this "Houſe, ſince no Objection could poſſibly lie "againſt its being done by Act of Aſſembly, "whereas there may, and do, ſtrong Objecti-

"ons

" ons lie againſt either Houſe aſſuming an un-
" precedented Power to do it ſeparately.

Remark 3d. The Objection againſt its being done by Act of Aſſembly, is in the above Remark; and I wiſh the PROTESTORS had given ſome of thoſe STRONG OBJECTIONS which may, or do, lie againſt either Houſe ſeparately aſſuming to call for Papers or Inſtructions.

If it be becauſe it is *unprecedented*, I wonder how they come to make a PROTEST, have they any Precedent for it?——

4thly. " Becauſe an Opportunity of exa-
" mining the Liſt of Arrears, which it ap-
" pears both Houſes thought neceſſary to be
" looked into, is by this unhappy Difference,
" at leaſt for this Time, loſt.

Remark 4th. You may without all this Buſtle, ſee the Liſt of Arrears to *Michaelmas*, in the Tholſel Office, unleſs the Town Clerk has received Orders to refuſe you the Inſpection of the City Accounts, which I ſhould not be much ſurprized at, ſince he has had Orders to refuſe the Sight of the *Monday Book* to the Committee of the Commons——

And if you examine this Liſt of Arrears, you will find its Amount is 3935*l.* 19*s.* 1*d.* And ſome of our Tenants owe us ſome *Ten*, ſome *Fourteen*, ſome as far as *Thirty two* Years Rent——

5thly.

5thly. " Becauſe if it were a [1] doubtful " Matter, which however we are far from " admitting, we think that this Houſe ought " in Wiſdom and Prudence, at all Times moſt " cautiouſly to avoid [2] unneceſſary Contenti- " ons and Diſputes with the other, but more " eſpecially at [3] preſent, when by [4] the many " neceſſary Publick Works the City is carry- " ing on, a Difference between us might be " attended with Conſequences fatal to the " Whole.

Remark 5th. [1] *A doubtful Matter!* I don't know what Matter you talk of——

[2] Our *Diſputes and Contentions* I hope will be found to be far from unneceſſary, if by them we can, as I hope we ſhall, recover our Rights; and [3] the preſent is the moſt proper Time to carry them on, Becauſe the preſent Set of Commons will be diſſolved in two Years, and their Succeſſors may be as remiſs in aſſerting their Liberties, as their Predeceſſors ſeem to have been: And as [4] for the *many neceſſary Publick Works* the City is carrying on, it may well be called in Queſtion, whether they were not better ſuſpended until we had found out a Method of paying for them, and of carrying them on with Regularity and Frugality, which the Commons have always had in their View to do: And they have juſt Reaſon to ſuſpect, that the Buſineſs and Works of the City, have not till now been carried on with all the Frugality

gality imaginable, since they find the Debt of the City to have of late increased, and to amount now to about THIRTY THOUSAND POUNDS *Sterling*.

Here endeth Part the First.

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